

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
ANDREW BAER et al.,
:

Plaintiffs,
:

22-CV-994 (JMF)

-v-
:

ORDER
:

DUFF & PHELPS, LLC,
:

Defendant.
:
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JESSE M. FURMAN, United States District Judge:


For reasons the Court will explain orally at the conference referenced below, Defendant's motion to dismiss for failure to state a claim is DENIED, except as to Plaintiffs' negligent misrepresentation claim, which is dismissed with prejudice. Defendant shall answer the Second Amended Complaint **within fourteen days** in accordance with Rule 12(a)(4)(A) of the Federal Rules of Civil Procedure. In addition, the parties shall appear for a telephonic conference on **February 16, 2023, at 4:00 p.m.** In accordance with the previously filed Notice of Initial Pretrial Conference, *see* ECF No. 12, the parties shall file a joint letter and proposed Case Management Plan by the Thursday before the initial pretrial conference.

The parties are reminded to follow the procedures for teleconferences described in the Court's Individual Rules and Practices for Civil Cases, which are available at <https://nysd.uscourts.gov/hon-jesse-m-furman>. In accordance with those Rules, counsel shall, at least **twenty-four hours before the conference**, email to the Court the names, honorifics (e.g., Mr., Mrs., Ms., Dr., etc.), and telephone numbers of those who will have speaking roles at the conference. The Court will thereafter provide call-in information to those counsel. All others — counsel who will not have speaking roles and members of the public — may listen to the conference by calling the Court's dedicated conference call line at (888) 363-4749 and using access code 542-1540 followed by the pound (#) key.

The Clerk of Court is directed to terminate ECF No. 29.

SO ORDERED.

Dated: February 6, 2023
New York, New York



JESSE M. FURMAN
United States District Judge